

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL NO. 5:04-cv-00019-W**

GEORGE A. O'BAR, and JACOB A.)	
PEARCE,)	
)	
Plaintiffs,)	
)	ORDER
vs.)	
)	
LOWE'S HOME CENTERS, INC.,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on Defendant's Motion for Summary Judgment (Doc. No. 131), Defendant's Memorandum of Law in Support of the Motion for Summary Judgment (Docs. Nos. 132, 134), Plaintiffs' Response in Opposition to Defendant's Motion for Summary Judgment (Doc. No. 136), and Defendant's Reply to Response to Motion for Summary Judgment (Doc. No. 145). For the reasons stated in the oral ruling issued in open court on April 26, 2007, the Court GRANTS IN PART and DENIES IN PART Defendant's Motion for Summary Judgment (Doc. No. 131).

IT IS, THEREFORE, ORDERED that Defendant's motion for summary judgment is GRANTED as to O'Bar's claims regarding promotion for the Northern HR Director position and DENIED as to Plaintiffs' claims for promotion discrimination related to the Southern HR Director position and Pearce's claim for promotion discrimination related to the Northern HR Director. As to the retaliation claims, Defendant's Motion is GRANTED as to Plaintiff O'Bar's claim of retaliation related to the Northern HR Director position, but DENIED as to Pearce's claim related

to the Northern HR Director Position and as to both Plaintiffs' claims of retaliation related to the Southern HR Director Position.

IT IS SO ORDERED.

Signed: May 2, 2007



Frank D. Whitney
United States District Judge

